

Town of Amherst
Zoning Board of Appeals
SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit, ZBA FY2014-00017, to modify condition # 6 of ZBA FY1986-26 to formalize the expansion from three to four parking spaces, at 473 Pine Street (Map 6A, Parcel 59, R-N Zoning District), with the following conditions:

1. Except for parking, all other conditions of ZBA FY1986-26 shall remain in force.
2. The parking shall as shown on the Town GIS parking plan, dated February 18, 2014.
3. There shall be no more than six cars parked on the property on a regular basis.
4. No later than July 1, 2014, a new exterior light shall be installed on the south east side of the garage to light the two-car parking area. Said fixture may be solar powered and shall be set on a motion sensor and be designed or oriented to be downcast.
5. The gravel driveway and parking areas shall be maintained seasonally or more often if needed in order to: a) prevent significant ruts and/or vegetation within the gravel area and, b) to maintain a distinct edge between the gravel and the lawn or landscaped areas.

Tom Ehrgood (SA)
Tom Ehrgood, Acting Chair
Amherst Zoning Board of Appeals

5/13/14
DATE

Town of Amherst
Zoning Board of Appeals - Special Permit

Decision

Applicant/Owner: Truman Likens, 277 North East, Amherst, MA 01002

Date application filed with the Town Clerk: January 13, 2014

Nature of request: For a Special Permit to modify condition # 6 of ZBA FY1986-26 to formalize the expansion from three to four parking spaces

Address: 473 Pine Street (Map 6A, Parcel 59, R-N Zoning District)

Legal notice: Published on February 5, 2014 and February 12, 2014 in the Daily Hampshire Gazette and sent to abutters on February 4, 2014

Board members: Tom Ehrgood, Carolyn Holstein, Pari Riahi

Staff members: Jeff Bagg, Senior Planner and Rob Morra, Building Commissioner

Submissions:

- Application form filed with the Town Clerk on January 13, 2014
- Parking Plan, revised February 18, 2014
- Existing conditions photographs (x4)
- Parking Plan, dated January 2, 2014
- ZBA FY1986-26
- Lot coverage map, February 18, 2014

Site Visit: February 19, 2014

The Board observed the following:

- The location of the property on the south side of Pine Street.
- The location of the four-car parking area adjacent to the dwelling, the two-car parking area adjacent to a detached garage, and one exterior light on the house.

Public Hearing: February 19, 2014

Mr. Ehrgood provided an overview, explaining that this application is in connection with the Town's Rental Permit program. The program is intended in part to review compliance with conditions of previous Special Permits. In this case, the applicant, Truman Likens, is seeking modification of condition #6 of the 1986 Special Permit to increase the number of vehicles allowed to be parked on the property.

The following is a summary of the facts:

- Prior to the hearing, it was confirmed that the applicant wishes to modify the request to increase the number of vehicles allowed to park on the property to six, rather than four, as listed in the application. Town staff believes that the legal advertisement sufficiently identifies that the nature of the public hearing will review parking, and that the requested change is within the scope of the original advertisement.

- A revised parking plan showing six parking spaces has been provided.
- In 1986, the Zoning Board of Appeals granted a Special Permit to allow the conversion of the single family dwelling into two units. The original proposal at that time was requesting conversion to three units, but for the reasons cited in the 1986 decision, the Board approved only two units.
- The use of the property as a duplex is not under consideration.
- Condition # 6 of the 1986 Special Permit reads "*Resident parking shall be provided for within the garage and the barn. There shall be no other external parking area except for the three places along the driveway*".
- No parking plan was found associated with the 1986 Special Permit. The plot plan which accompanies the 1986 Special Permit confirms that the configuration of the structures remains the same today.
- Condition # 5 of the 1986 Special Permit required the removal of a driveway from Pine Street. That driveway has been removed and the only access to the property is from Hitching Post Road.
- The 1986 decision identifies that "*Also existing on the property are a barn and garage which can provide five parking places; thus a total of 10 parking places are proposed*".
- The garage and barn are no longer used for parking of tenant vehicles. As such, the applicant has requested the permit be modified so that additional parking is allowed to occur outside of these buildings.
- A total of six exterior parking spaces are proposed. No site changes are required to accommodate the four vehicles parked facing the existing dwelling or to accommodate the two vehicles parked to the south of the existing barn.

The Board reviewed the following requirements under Article 7:

7.0000 - *Two (2) parking spaces for each dwelling unit.* The proposal exceeds the minimum requirement of four parking spaces for two dwelling units. The provision for six cars exceeds the limit of three allowed in the 1986 Special Permit, but is less than the total number contemplated in the 1986 which allowed three exterior spaces and five interior spaces.

7.0001 – *Parking spaces for cars or similar vehicles shall be on a paved surface such as concrete, bituminous asphalt, masonry pavers, oil and stone, gravel, trap rock, or a similar material (see Section 7.101).* 7.101- *Paving: For the purposes of this bylaw, a paved parking surface shall be considered to be one which has a prepared subgrade and compacted gravel base with a minimum total 12 inch depth, appropriate grading and drainage, and which is surfaced with a minimum 2 inch top coat of concrete, asphalt, masonry pavers, oil and stone, gravel, trap rock, or similar material, as approved or modified by the Town Engineer. To the extent feasible, permeable or porous paving shall be employed in new construction or site renovations or improvements.* Mr. Likens stated that the driveway consists of TRG/ gravel and that it has been used for parking for almost 30 years.

7.104- *Dimensions, Marking & Delineation - The area of all parking areas shall be included in the calculation of maximum lot coverage.* An approximate total lot coverage calculation is 20.3% which complies with the total lot coverage limitation of 30% in the R-N district.

Parking areas shall be clearly delineated and shall be provided with a permanent dust-free surface and adequate drainage. Mr. Likens stated that the edge of the gravel is maintained every spring and is distinct from areas of mowed grass.

Each parking space shall be at least 9 feet x 18 feet in size, and all parking areas must have adequate access and maneuvering areas. The proposal provides parking spaces which are 9 feet x 18 feet in size and, as shown on the submitted parking plan, provide adequate access and maneuvering areas.

In all parking areas of five (5) or more parking spaces, individual spaces shall be painted, marked or otherwise delineated in a manner sufficient to visibly identify said spaces. None of the individual parking spaces on the property are delineated.

7.105- Lighting: adequate lighting shall be provided for all parking areas of 5 spaces or more if these areas are to be used at night. All exterior site lighting associated with parking areas shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property and sufficient to reduce a viewer's ability to see. Mr. Likens stated that one flood light on the side of the house lights most of the parking area. He noted that no one has complained in the past 15 to 20 years. Ms. Holstein expressed concern regarding the need to have the two most distance spaces lit for the safety of the tenants. The Board determined that a light fixture is necessary on the southeast corner of the detached garage. The Board noted that the garage does not currently have electricity and that a solar, motion sensor light would be acceptable. The Board determined that the light should be in place by July 1, 2014.

7.112- Screening: parking areas with 5 or more spaces shall provide effective screening of the parking area from adjacent streets or properties. Such screening may be accomplished by: depressions in grade 3 feet or more; a hedge or wall; or any type of appropriate natural or artificial permanent division. Any required screening barrier shall not be less than 3 feet high. Screening shall not be located to obstruct driver visions so as to impair safety at intersections or driveway entrances or exits. The Board noted that four of the vehicles will face the dwelling and the other two parking spaces face a side of the adjacent dwelling that does not have any windows.

Codes/Violations:

Since Inspection Services began monitoring complaints and/or violations in May 2012, none have been found for this property.

No members of the public spoke regarding this application.

Ms. Riahi MOVED to close the evidentiary portion of the public hearing. Ms. Holstein SECONDED and the Board VOTED unanimously to close the public hearing.

Public Meeting:

The Board discussed granting waivers or modifications to Article 7, as allowed under Section 7.9 of the Zoning Bylaw:

Any section or subsection of Article 7.0, Parking Regulations, may be waived or modified by the permit granting board for compelling reasons of safety, aesthetics, or site design.

The Board granted a waiver from the construction requirements of Section 7.101 based on the existing surface being suitable for parking and the history of maintenance.

The Board granted a waiver from the screening requirements of Section 7.112 based on the orientation of the four-car parking area facing the dwelling and the two-car parking area facing a portion of the adjacent dwelling that did not contain any windows, noting that some vegetation exists to shield the headlights.

The Board granted a waiver from the delineation requirements of Section 7.104 based on there being two distinct parking areas, neither of which are five or more spaces.

Specific Findings:

The Board found under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.383 & 10.387 - *The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians; The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements.* The existing parking arrangement increases the number of vehicles on the exterior of the property, but is fewer than the overall number permitted in the 1986 Special Permit. The proposed parking arrangement occurs in areas already used for this purpose and does not require any exterior changes to accommodate the request.

10.386 - *The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw;* The proposal provides a total of six spaces, where the minimum of four spaces is required for two units under Section 7.0000. The reconfiguration meets all of the other provisions of Article 7, except that waivers have been granted as stated herein.

10.393 - *The proposal provides protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and exterior lighting, through use of cut-off luminaires, light shields, lowered height of light poles, screening, or similar solutions.* A condition of the approval requires the installation of a new, motion-sensor light on the south east side of the garage. Said light fixture shall be downcast to prevent light spillage onto the adjacent property.

10.398 - *The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan.* The proposal provides for a more accurate depiction of existing parking conditions on this property and will allow for enhanced enforcement as needed.

Zoning Board Decision

Mr. Ehrgood MOVED to approve the application with conditions. Ms. Holstein seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit, ZBA FY2014-00017, to modify condition # 6 of ZBA FY1986-26 to formalize the expansion from three to four parking spaces, at 473 Pine Street (Map 6A, Parcel 59, R-N Zoning District), with conditions.

Tom Ehrgood (13)
TOM EHRCOOD

Carolyn Holstein (13)
CAROLYN HOLSTEIN

Pari Riahi (13)
PARI RIAHI

FILED THIS 14th day of May, 2014 at 9:24 A.M.
in the office of the Amherst Town Clerk Daniala J. Burger.
TWENTY-DAY APPEAL period expires, June 3, 2014.
NOTICE OF DECISION mailed this 14th day of May, 2014
to the attached list of addresses by Ruth Taylor, for the Board.
COPY OF NO APPEAL issued this _____ day of _____, 2014.
NOTICE OF PERMIT or Variance filed this _____ day of _____, 2014,
in the Hampshire County Registry of Deeds.

**BOARD OF APPEALS
AMHERST, MASSACHUSETTS
RECORD OF APPEALS AND DECISION RENDERED**

Petition of Truman Likens

For A Special Permit to modify conditions # 6 of ZBA FY1986-26 to formalize the expansion from three to four parking spaces

On the premises of 473 Pine Street

At or on Map 6A, Parcel 59, R-N Zoning District

NOTICE of hearing as follows mailed (date) February 4, 2014
to attached list of addresses and published in the Daily Hampshire Gazette
dated February 5, 2014 and February 12, 2014

Hearing date and place February 19, 2014 (Town Hall)

LEGAL NOTICE
The Amherst Zoning Board of Appeals will meet on *Wednesday, February 19, 2014*, at 6:30 P.M. in the First Floor Meeting Room, Town Hall, to conduct the following business:
PUBLIC HEARING:
ZBA FY2014-00014
- Priscilla White - For a Special Permit to modify condition # 3 of ZBA FY2006-00046 to formalize the reconfiguration of the four required parking spaces, at 318 Lincoln Avenue (Map 11C, Parcel 55, R-G Zoning District) ZBA FY2014-00017
- Truman Likens - For a Special Permit to modify condition # 6 of ZBA FY1986-26 to allow changes to the approved parking plan and formalize the expansion from three to four parking spaces, at 473 Pine Street (Map 6A, Parcel 59, R-N Zoning District) ZBA FY2014-00018
- Masoud Hashemi - For a Special Permit to modify condition # 6 of ZBA FY1986-13 to allow changes to the approved parking plan and formalize the expansion from six to 11 parking spaces, at 100 Gray Street, (Map 11D, Parcel 109, R-G Zoning District) ERIC BEAL, CHAIR
AMHERST ZONING BOARD OF APPEALS
February 5, 12
2294986

SITTING BOARD and VOTE TAKEN:

To grant a Special Permit, ZBA FY2014-00017, to modify conditions # 6 of ZBA FY1986-26 to formalize the expansion from three to four parking spaces

Tom Ehrgood – Yes Carolyn Holstein – Yes Pari Riahi – Yes

DECISION: APPROVED with conditions as stated in permit

THE COMMONWEALTH OF MASSACHUSETTS
AMHERST

City or Town
NOTICE OF SPECIAL PERMIT
Special Permit
(General Laws Chapter 40A)

Notice is hereby given that a Special Permit has been granted

To Truman Likens
Address 277 North East Street
City or Town Amherst, MA 01002

Identify Land Affected: 473 Pine Street
(Map 6A, Parcel 59, R-N Zoning District)

By the **Town of Amherst Zoning Board of Appeals** affecting the rights of the owner
with respect to the use of the premises on

473 Pine Street Amherst
Street City or Town

The record of title standing in the name of
Truman and Marjorie Likens
Name of Owner

Whose address is 277 North East St Amherst MA 01002
Street City or Town State Zip Code

By a deed duly recorded in the
Hampshire County Registry of Deeds: Book 5432 Page 216
or

Hampshire Registry District of the Land Court, Certificate No. _____,
Book _____, Page _____

The decision of said Board is on file, with the papers, in ZBA FY2014-00017
In the office of the Town Clerk Sandra J. Burgess

Certified this _____ day of _____

Board of Appeals:

Tom Hyslop (S) Chairman
(Board of Appeals)
Pari Rishi (S) Clerk
(Board of Appeals)

_____ at _____ o'clock and _____ minutes _____ m.

Received and entered with the Register of Deeds in the County of Hampshire
Book _____ Page _____

ATTEST _____
Register of Deeds
Notice to be recorded by Land Owner

Town of Amherst Abutter List

Parcel ID	Parcel Address	Owner1	Owner2	Address	City/Zip
6A-23	BRIDGE ST	TOWN OF AMHERST		TOWN HALL	AMHERST, MA 01002
6A-19	2 BRIDGE ST	O'CONNELL, KILLIAN		610 STATION RD	Amherst, MA 01002
6A-21	16 BRIDGE ST	NOBLE, CHERYL		16 BRIDGE ST	AMHERST, MA 01002
6A-83	20 BRIDGE ST	MORROW, FLORENCE M LIFE ESTATE	C/O CAROLE MARROW	20 EASTHAMPTON RD #L2	HOLYOKE, MA 01040
6A-70	10 HITCHING POST RD	GOODHIND, LAUREL S & PETER J		10 HITCHING POST RD	AMHERST, MA 01002
6A-69	11 HITCHING POST RD	REIF, DANIEL K & LINDA A		11 HITCHING POST RD	AMHERST, MA 01002
6C-21	16 HITCHING POST RD	SHEERMAN, ANN MARIE E & WEST, DAWN MARIE		16 HITCHING POST RD	Amherst, MA 01002
6C-37	17 HITCHING POST RD	STEINBERG, ANDREW J & VALERIE	STEINBERG, VALERIE I	17 HITCHING POST RD	AMHERST, MA 01002
6C-22	22 HITCHING POST RD	REDA, EVELYN G		22 HITCHING POST RD	AMHERST, MA 01002
6C-36	11 MORGAN CIR	MATTHEWS, JANE K		11 MORGAN CIR	AMHERST, MA 01002
6C-15	16 MORGAN CIR	DEVRIES, LUCIE H		16 MORGAN CIR	AMHERST, MA 01002
6C-35	17 MORGAN CIR	VAHDAT, SIAMAK	C/O SEIHOIN, ROOHINA V	14 HIGH MEADOW ST	HADLEY, MA 01035
6C-16	22 MORGAN CIR	KUPFERSCHMID, SETH B & INOUE, MIKA		22 MORGAN CIR	AMHERST, MA 01002
6A-66	23 MORGAN CIR	KROPP, RITA B REVOCABLE TRUST		23 MORGAN CIR	Amherst, MA 01002

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>City/Zip</i>
6A-67	27 MORGAN CIR	LEMMON, ANDREANA P & GORMAN, JOHN P		27 MORGAN CIR	AMHERST, MA 01002
6A-68	31 MORGAN CIR	WALKER, JAMES W & FRADO, CYNTHIA A		31 MORGAN CIR	AMHERST, MA 01002
6C-2	PINE ST	TOWN OF AMHERST CONSERV COMM		TOWN HALL	AMHERST, MA 01002
6A-17	440 PINE ST	YAVUZ, METIN		440 PINE ST	Amherst, MA 01002
6A-35	449 PINE ST	COOPEE, JAMES H & PATRICIA S		449 PINE ST	AMHERST, MA 01002
6A-18	450 PINE ST	BARBON MARIA SOLEDAD		450 PINE ST	AMHERST, MA 01002
6A-36	461 PINE ST	COLE, SHARON S & STOWELL, EDWARD		461 PINE ST	AMHERST, MA 01002
6A-20	468 PINE ST	VAHDAT, KAMELIA		6 BIRCHMEADOW DR	HADLEY, MA 01035
6A-37	469 PINE ST	WOYNAR, MARK & JULIE		469 PINE ST	AMHERST, MA 01002
6A-59	473 PINE ST	LIKENS, TRUMAN B JR & MARJORIE		277 NORTH EAST ST	AMHERST, MA 01002
6A-38	485 PINE ST	KASLAUSKAS, JOHN C & BEATRICE V		485 PINE ST	AMHERST, MA 01002
6A-39	491 PINE ST	HASKELL, EDDIE LLC		491 PINE ST	AMHERST, MA 01002
6A-33	506 PINE ST	LITANT, JOSIAH S & NYALA, TALIESIN K		506 PINE ST	Amherst, MA 01002
6A-32	528 PINE ST	HOWARD, MICHAEL J & SUSAN D		528 PINE ST	AMHERST, MA 01002